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*Attorneys for Plaintiff and Proposed Class*

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DAVID LOWERY, individually and  
on behalf of himself and all others  
similarly situated,

Plaintiffs,

v.

SPOTIFY USA, INC., a Delaware  
corporation,

Defendant.

Case No.: 2:15-cv-09929-BRO (RAOx)

**STIPULATION TO EXTEND TIME  
TO RESPOND TO INITIAL  
COMPLAINT BY NOT MORE  
THAN 30 DAYS (L.R. 8-3), AND TO  
EXTEND PLAINTIFFS' DEADLINE  
TO FILE A MOTION FOR CLASS  
CERTIFICATION (L.R. 23-3)**

The Hon. Beverly Reid O'Connell

**[Filed concurrently with Proposed  
Order and Declaration of Mona Z. Hanna]**

Current Response Date to Complaint:

Jan. 19, 2016

Proposed New Response Date to Complaint:

Feb. 12, 2016

Proposed New Motion Date:

May 27, 2016

Complaint Filed: Dec. 28, 2015

Discovery Cut-Off: Not Set

Motion Cut-Off: Not Set

Pre-Trial Conference: Not Set

Trial Date: Not Set

**STIPULATION**

Plaintiff David Lowery (“Plaintiff”), individually and on behalf of all those similarly situated and Spotify USA Inc. (“Defendant”), through their respective attorneys of record herein enter into this Stipulation with reference to the following circumstances:

WHEREAS, on December 28, 2015, Plaintiffs filed the Class Action Complaint (“Complaint”) in the above-captioned action in the United States District Court for the Central District of California<sup>1</sup>;

WHEREAS, on December 29, 2015, Defendant’s Registered Agents for Service of Process were served with the Complaint, which seeks damages of at least \$150 million;

WHEREAS, Defendant’s deadline to answer or otherwise respond to the initial Complaint is January 19, 2016;

WHEREAS, on January 8, 2016, Defendant’s counsel contacted Plaintiffs’ counsel to request an extension of time, pursuant to Local Rule 8-3, for Defendant to answer or otherwise respond to the Complaint for twenty-four (24) days from January 19, 2016 to February 12, 2016;

WHEREAS, Defendant’s counsel advised Plaintiffs’ counsel that Defendant requested an extension in order to provide: (1) the parties sufficient time to engage in substantive meet and confer discussions regarding the allegations in the Complaint, and thereby fully comply with Local Rule 7-3 and this Court’s Standing Order and attempt to avoid unnecessary motion practice; (2) Defendant a reasonable and sufficient amount of time to evaluate the claims made in the Complaint; (3) retain out-side counsel, and (4) the Defendant sufficient time to prepare a responsive pleading after the meet and confer process has been completed;

<sup>1</sup> For the sake of clarity, no class has been certified in this case, as of this date.

1 WHEREAS, Local Rule 8-3 provides that where a stipulation “does not  
2 extend the time [to respond to the initial Complaint] for more than a cumulative  
3 total of thirty (30) days from the date the response initially would have been due,  
4 the stipulation need not be approved by the judge”;

5 WHEREAS, the parties agreed to meet and confer in good faith regarding  
6 the claims alleged in the Complaint;

7 WHEREAS, pursuant to Central District of California Local Rule 23-3,  
8 Plaintiffs’ deadline to file a Motion for Class Certification is March 25, 2016;

9 WHEREAS, without a concurrent extension of the deadline for Plaintiffs to  
10 file a Motion for Class Certification, Plaintiffs would be forced to complete class  
11 discovery and file a Motion for Class Certification only 45 days after Defendant  
12 files its first responsive pleading;

13 WHEREAS, Plaintiffs’ and Defendant’s counsel agreed to stipulate to (1)  
14 extend the date for Defendant to answer or otherwise respond to the initial  
15 Complaint to February 12, 2016, and (2) extend the date for Plaintiffs to file a  
16 Motion for Class Certification by sixty (60) days to May 27, 2016;

17 WHEREAS the parties agree that these extensions are in the interests of  
18 judicial economy and the preservation of fees and costs, and to allow time for the  
19 parties to conduct a preliminary investigation into Plaintiffs’ claims, and determine  
20 whether the matter can be resolved, and whether Plaintiffs’ claims have been  
21 adequately alleged or whether amendment of the initial Complaint is appropriate;

22 WHEREAS, the parties have not obtained any prior extension of the date to  
23 answer or otherwise respond to the Complaint, nor of the date to file a Motion for  
24 Class Certification;

25 WHEREAS, entering into this stipulation and extending the deadlines will  
26 not prejudice any parties to this action, and specifically, Defendant is not waiving  
27 any argument to assert that there is no personal jurisdiction over it, nor is Plaintiffs  
28 agreeing or conceding any such argument; and

1       **IT IS HEREBY STIPULATED AND AGREED**, by and between  
2 Plaintiffs and Defendant, that the deadline for Defendant to answer or otherwise  
3 respond to the Complaint shall be extended to February 12, 2016, and Plaintiffs'  
4 deadline to file a Motion for Class Certification shall be extended to May 27, 2016.

5  
6 Dated: January 13, 2016

**MICHELMAN & ROBINSON, LLP**

7 By: /s/ Mona Z. Hanna  
8 Sanford L. Michelman  
9 Mona Z. Hanna  
10 David C. Lee  
11 Ilse C. Scott  
12 Melanie Natasha Howard  
13 *Attorneys for Plaintiff and Proposed Class*

14 Dated: January 13, 2016

**MAYER BROWN LLP**

15 By: /s/ John Nadolenco  
16 John Nadolenco, Esq.  
17 Attorneys for Defendant Spotify  
18 USA Inc.

19  
20 **ATTESTATION**

21 Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, Mona Z. Hanna, attest under  
22 penalty of perjury that I have obtained concurrence and authorization from John  
23 Nadolenco, counsel for Spotify USA Inc. to affix his electronic signature to this  
24 filing.  
25

26  
27 Dated: January 13, 2016

By: /s/ Mona Z. Hanna